IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8568 of 1990

WITH

CIVIL APPLICATION NO. 1298 OF 1991

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

DOSHI JAGRUTI RAJNIKANT - Petitioner(s)

Versus

NUTAN KELAVANI MANDAL & 2 - Respondent(s)

==========

Appearance :
MR JD AJMERA for Petitioner(s) : 1,
MR SHIRISH JOSHI for Respondent(s) : 1,
RULE NOT RECD BACK for Respondent(s) : 2,
RULE SERVED for Respondent(s) : 3,

==========

CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 16/02/2006

ORAL JUDGMENT

1. The petitioner has filed this petition under Article 226 of the Constitution of India praying for quashing and setting aside the selection made by the respondent no.1 of any other person except the petitioner to the post of full time Sanskrit lecturer in respondent no.2 college and direct the respondent to select and appoint the petitioner to the said post with all consequential benefits.

2. The petition was admitted and rule was issued on 11.12.1990. The court has granted ad-interim relief restraining the respondents from terminating the services of the petitioner as Part-time lecturer in Sanskrit in the respondent no.2 College, upto 27.12.1990. The court has granted ad-interim relief without prejudice to the contentions canvassed on behalf of the respondent that the petitioner has already been relieved on 06.12.1990 after office hours and the court has further ordered that the ad-interim relief shall be continued upto 11.01.1991. Thereafter, the order of status quo was passed from time to time.

3. During the pendency of the aforesaid petition, the petitioner has filed Civil Application No.1298 of 1991 praying for amendment to the effect that selection proceedings held by the respondent college authority in pursuance of the advertisement and also selection and appointment of Pratimaben Shukla as Lecturer in Sanskrit may be quashed and set aside and further prayed for direction to the respondents to appoint the petitioner as Lecturer in Sanskrit. The petitioner has also prayed for impleadment of respondent no.4 in the said petition. The Court has however, passed the order to the effect that the said Civil Application was to be heard alongwith the main matter.

4. Mr.J.D.Ajmera, learned advocate appearing for the petitioner has submitted that he is not having latest information from the petitioner. However, he is given instruction in the year 1991 that the petitioner had already joined as an Assistant Teacher in the month of September, 1991. It therefore appears that petitioner may not be interested in pursuing this petition. In any case,

if the petitioner has got appointment in the year 1991, the petitioner might have lost interest in this petition and hence, it has become infructuous, even otherwise the order of appointment to the post of Full time Sanskrit teacher was made by the respondent authorities in the year 1991 and there is no justification in disturbing the said order.

5. In the above view of the matter, the petition has become infructuous and hence it no longer survives. The petition is therefore, dismissed. Rule is discharged without any order as to costs.

6. In view of the above order, Civil Application is accordingly disposed of.

(K.A.PUJ, J.)

amit